

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 GREGORY N. LEONARD,

4 Plaintiff,

5 v.

6 DR. MARTIN NAUGHTON, *et al.*,

7 Defendants.

Case No. 3:17-cv-00549-RCJ-CLB

ORDER

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9 **I. DISCUSSION**

10 On January 13, 2021, following Defendants' filing of a suggestion of death on the
11 record stating that Plaintiff Gregory N. Leonard (#56193) had passed away on November
12 30, 2020, the Court issued an order allowing a 90-day period until April 13, 2021 for a
13 motion for substitution to be filed by any party or by the decedent's successor or
14 representative. (ECF No. 35).

15 Pursuant to Federal Rule of Civil Procedure 25(a)(1), "[i]f a party dies and the claim
16 is not extinguished, the court may order substitution of the proper party. A motion for
17 substitution may be made by any party or by the decedent's successor or representative.
18 If the motion is not made within 90 days after service of a statement noting the death, the
19 action by or against the decedent must be dismissed." Fed. R. Civ. P. 25(a)(1).

20 The April 13, 2021 deadline has passed and there has been no motion for
21 substitution. As such, the Court dismisses the case.

22 **II. CONCLUSION**

23 For the foregoing reasons, IT IS ORDERED that the Court dismisses this case
24 pursuant to Fed. R. Civ. P. 25(a)(1).

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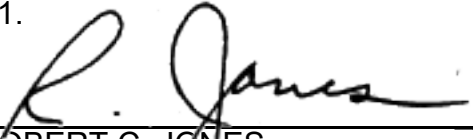
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1 IT IS FURTHER ORDERED that the Clerk of the Court will close the case and
2 enter judgment accordingly.

3 DATED THIS 28th day of April 2021.

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6 ROBERT C. JONES
7 UNITED STATES DISTRICT JUDGE
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